

By Mr. IRWIN: Paper to accompany House bill for the relief of J. B. Jones—to the Committee on Claims.

By Mr. LACEY: Petition of the National Live Stock Association in favor of a public-land commission—to the Committee on the Public Lands.

Also, protest of the same against the passage of House bill 15008, called the "land exchange" bill—to the Committee on the Public Lands.

Also, resolutions of the same in favor of preserving the pasturage on the public domain—to the Committee on the Public Lands.

By Mr. LIVINGSTON: Paper to accompany bill for the relief of the heirs of Hartwell Jones—to the Committee on War Claims.

Also, paper to accompany bill for the relief of Malitta Long—to the Committee on War Claims.

By Mr. MOODY of Oregon: Petition of Grand Prairie Grange, No. 10, of Albany, Oreg., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. ROBINSON of Indiana: Petition of G. M. McBride, of Ashley, Ind., against the repeal of the now existing canteen law and in favor of an antipolygamy amendment—to the Committee on the Judiciary.

By Mr. RYAN: Papers to accompany House bill for increase of pension of William K. Fowler—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Papers to accompany House bill for the relief of William Gardner—to the Committee on Military Affairs.

By Mr. SKILES: Petition of the Woman's Christian Temperance Union of Norwalk, Ohio, for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. SNOOK: Paper to accompany House bill granting an increase of pension to John Elston, of Mandall, Ohio—to the Committee on Invalid Pensions.

By Mr. SULZER: Protest of New Kurlander Lodge, No. 95, Order of B'rith Abraham, New York City, against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

Also, petition of the executive committee of the Interstate Commerce Law Convention, Milwaukee, Wis., in relation to House bill 15592—to the Committee on Interstate and Foreign Commerce.

By Mr. WARNOCK: Petition of Woman's Christian Temperance Union of Plain City, Ohio, in favor of legislation in restraint of the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

## SENATE.

FRIDAY, February 6, 1903.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington. The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. If there be no objection, the Journal will stand approved. The Chair hears none, and it is approved.

### EFFICIENCY OF THE ARMY.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15449) to increase the efficiency of the Army and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PROCTOR. I move that the Senate insist upon its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. COCKRELL, Mr. QUARLES, and Mr. FORAKER were appointed.

### PUBLIC BUILDINGS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting for the information of the proper committees of the Senate copies of reports made in regard to the limit of cost of certain public buildings; which, with the accompanying paper, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the preamble to the bill (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others.

The message also announced that the House had passed with amendments the bill (S. 6773) to expedite the hearing and deter-

mination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," "An act to regulate commerce," approved February 4, 1887, or any other act having a like purpose that may hereafter be enacted, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States, or are totally disabled in the same; further insists upon its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, and 8 to the bill upon which the committee of conference have been unable to agree; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SULLOWAY, Mr. CALDERHEAD, and Mr. MIERS of Indiana managers at the conference on the part of the House.

The message further communicated to the Senate the intelligence of the death of Hon. JAMES MONTRAVILLE MOODY, late a Representative from the State of North Carolina, and transmitted resolutions of the House thereon.

The message also announced that the Speaker of the House had appointed Mr. KLUTZ of North Carolina, Mr. BLACKBURN of North Carolina, Mr. CLAUDE KITCHIN of North Carolina, Mr. BROWNLOW of Tennessee, Mr. GIBSON of Tennessee, Mr. TATE of Georgia, Mr. FINLEY of South Carolina, Mr. JOHNSON of South Carolina, Mr. LAMB of Virginia, Mr. HAUGEN of Iowa, Mr. HENRY of Connecticut, Mr. RANDELL of Texas, Mr. COONEY of Missouri, Mr. POV of North Carolina, Mr. SMALL of North Carolina, Mr. CLARK of Missouri, Mr. WRIGHT of Pennsylvania, and Mr. COCHRAN of Missouri members of the committee on the part of the House to attend the funeral of the deceased Representative.

### PETITIONS AND MEMORIALS.

Mr. HOAR. I present a petition signed by 5 college presidents and 39 college professors in aid of sundry others signed by college presidents and professors, presented heretofore, in regard to the prosecution of the inquiry into the conditions in the Philippine Islands. I move that the petition be referred to the Committee on the Philippines.

The motion was agreed to.

Mr. GAMBLE presented a petition of the Bonesteel Commercial Club, of Bonesteel, S. Dak., praying for the ratification of the agreement entered into between the United States and the Rosebud Indians for the cession of that part of the reservation within the limits of Gregory County, S. Dak.; which was referred to the Committee on Indian Affairs.

He also presented a petition of the American Mining Congress, praying for the establishment of a department of mines and mining; which was referred to the Committee on Mines and Mining.

Mr. PERKINS presented petitions of the International Union of Flour and Cereal Mill Employees, Local Union No. 15, of Stockton; of Typographical Union of San Jose, and of Local Union No. 227, of San Francisco, all of the American Federation of Labor, in the State of California, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. SCOTT presented petitions of sundry citizens of Ravenswood, Sutton, Wellsburg, and South Buckhannon, all in the State of West Virginia, praying for the enactment of legislation granting to the States power to deal with the intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. QUARLES presented a petition of the South Side Christian Endeavor Society, of Stevens Point, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors on property owned by the United States Government; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the South Side Christian Endeavor Society, of Stevens Point, Wis., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of the Federated Trades Council, American Federation of Labor, of Madison, Wis., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

Mr. CULLOM presented a petition of the National Live Stock Association, of Chicago, Ill., praying for the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Garden City Lodge, No. 75, Order of B'nai Abraham, of Chicago, Ill., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

He also presented a petition of Journeymen Tailors' Local Union, No. 169, American Federation of Labor, of Galesburg, Ill., and a petition of Woodworkers' Local Union, No. 73, American Federation of Labor, of Quincy, Ill., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. CLAY presented a petition of the Georgia Bankers' Association, praying for the repeal of the bankruptcy law; which was referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of the American Mining Congress, praying for the establishment of a department of mines and mining; which was referred to the Committee on Mines and Mining.

#### MISSOURI RIVER BRIDGE.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6961) to authorize the construction of a bridge across the Missouri River between the city of Chamberlain, in Brule County, and Lyman County, in the State of North Dakota, to report it favorably, with amendments.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Arkansas.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. The first amendment of the committee was, in section 2 on page 2, line 2, after the word "structure," to insert:

And shall be recognized and known as a post route upon which no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroad or public highway leading to said bridge. The United States shall also have the right to construct, without charge therefor, telegraph and telephone lines across and upon said bridge, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 5, after the word "than," to strike out "one" and insert "three," and in the same line, after the word "hundred," to strike out "and fifty;" so as to read:

That said bridge shall be constructed as a pontoon bridge and shall contain a drawspan giving a clear opening of not less than 300 feet in length, etc.

The amendment was agreed to.

The next amendment was to add as a new section the following:

SEC. 4. That no bridge shall be commenced or built under this act until the location thereof and the plans for its construction, with such maps as shall be necessary for a full understanding of the regimen of the river for a distance of 1 mile above and one-half mile below the proposed site of said bridge, shall have been submitted to and approved by the Secretary of War, and any subsequent change in the plans, construction, or location of said bridge shall be subject to like approval.

The amendment was agreed to.

The next amendment was to add as a new section the following:

SEC. 5. That this act shall be null and void unless the bridge herein authorized be commenced within one year and completed within three years from the date hereof.

The amendment was agreed to.

The next amendment was to add as a new section the following:

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

Mr. HALE. Is this a part of the morning business?

The PRESIDENT pro tempore. It is a bill just reported from the Committee on Commerce, a bridge bill.

Mr. HALE. After this I think I will object to anything except the routine morning business, and I shall ask that it may go on without the consideration of bills.

Mr. QUAY. Did I understand the Senator to say that he would object to the passage of bills to-day by unanimous consent, or merely pending the order of morning business?

Mr. HALE. During the routine business of the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the construction of a bridge across the Missouri River between the city of Chamberlain, in Brule County, and Lyman County, in the State of South Dakota."

#### REPORTS OF COMMITTEES.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 3d instant, proposing to appropriate \$35,000 for the extension of the present contract to collect and dispose of ashes and miscellaneous refuse from all business places in the District of Columbia, intended to be proposed to the District of Columbia appropria-

tion bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (H. R. 16) to provide for the erection at Washington, D. C., of bronze equestrian statues to the memory of the late Brig. Gen. Count Casimir Pulaski and Baron Steuben, reported it with amendments, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 15673) granting a pension to Annie E. Doss, reported it without amendment, and submitted a report thereon.

Mr. PETTUS. By direction of the Committee on Military Affairs I report back favorably without amendment the bill (S. 6895) to authorize the promotion of Maj. William Crawford Gorgas, surgeon in the Army of the United States, and submit a report thereon.

I shall ask the unanimous consent of the Senate for the immediate consideration of this bill. It is earnestly recommended by the Surgeon-General, by the Secretary of War, and by Brigadier-General Wood, under whom eminent services were performed by Major Gorgas.

Mr. HALE. I am sorry to interfere with the Senator from Alabama, but a few moments ago I gave notice that I would object to any bill being passed during the morning business, and I am obliged to insist upon the point on this bill.

The PRESIDENT pro tempore. Objection is made, and the bill goes to the Calendar.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2557) for the relief of Henry L. McCalla, reported it with an amendment, and submitted a report thereon.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 7263) to provide for the purchase of a site and the erection of a building thereon, to be used for a laundry and stable for the Bureau of Engraving and Printing, and to provide for the erection of an addition to the Bureau of Engraving and Printing building on the ground now occupied by the laundry building and stable, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. ALGER, from the Committee on Military Affairs, to whom was referred the bill (S. 5219) to grant an honorable discharge from the military service to Robert C. Gregg, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7) authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 16591) granting an increase of pension to James Mattingly, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 15550) granting a pension to Mary A. Hinkle, reported it without amendment, and submitted a report thereon.

Mr. MCCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16053) granting an increase of pension to Henry P. Reynolds; and

A bill (H. R. 15206) granting a pension to Mary P. Everton.

Mr. PLATT of Connecticut, from the Committee on Relations with Cuba, to whom was referred the amendment submitted by himself on the 19th ultimo, proposing to appropriate \$39,795.34 to pay the claim of the Cuban Submarine Telegraph Company, Limited, for expenses incurred in repairing damage done to its cables and property by United States war vessels during the war with Spain, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

#### CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. Mr. President, I should like to make a request. It is that on Saturday, after the routine morning business has been concluded, one hour be given to the consideration of unobjected pension bills.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that on Saturday next, after the completion of the routine morning business, one hour be given to the consideration of unobjected pension cases. Is there objection?

Mr. HALE. Why does not the Senator, instead of breaking



into each day, obtain consent to consider the Pension Calendar of unobjected cases?

Mr. GALLINGER. That is what I have asked.

Mr. HALE. You have asked for an hour.

Mr. GALLINGER. Yes; we can finish them in an hour.

Mr. HALE. If the Senator thinks we can finish all of them in an hour, I have no objection.

The PRESIDENT pro tempore. The request is for to-morrow?

Mr. GALLINGER. For to-morrow.

The PRESIDENT pro tempore. The Chair hears no objection, and the order is made.

#### BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 7279) granting an increase of pension to Henry G. Blayney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7280) to provide an American register for the cable-repairing ship *Scotia*, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 7281) making it a misdemeanor for persons to unlawfully use or wear the insignia or button of the Spanish-American War Veterans, the insignia or rosette of the Military and Naval Order of the Spanish-American War, or the official decorations of Spanish-American war societies; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 7282) for the establishment of public-convenience stations and bath houses; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 7283) to amend an act entitled "An act to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington," approved May 19, 1896; which was read twice by its title, and referred to the Committee on the District of Columbia.

#### OMNIBUS CLAIMS BILL.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (S. 7142) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which was referred to the Committee on Claims, and ordered to be printed.

#### WASHINGTON MONUMENT.

Mr. GALLINGER. Mr. President, I have here several valuable papers relating to the history of the Washington Monument, some of which are now out of print. They have been compiled by the secretary of the Washington Monument Association under the direction of that body, and I feel sure will be of great public interest. I ask that they be printed as a document.

Mr. HOAR. I should like to ask the Senator from New Hampshire whether the proposed publication contains, and, if not, whether it should not contain, Mr. Winthrop's two very interesting orations, one at the laying of the corner stone and the other on the completion of the Monument?

Mr. GALLINGER. I do not know, but, agreeing with the Senator that the document ought to contain those orations, I will say that I will have the matter looked up and have them included.

Mr. HOAR. Very well. It is then understood that they may be added. Mr. Winthrop, Mr. President, did what never happened to any other person except Mr. Webster. He delivered the oration at the foundation of the Washington Monument and then, some thirty years after, I think, was the orator at the time of its completion, as you very well recollect. He was unwell, so that he was not able to deliver it in person, and it was read before the two Houses of Congress by Governor Long, then a member of the House. Mr. Webster had the same experience in regard to the Bunker Hill Monument. He delivered the oration at the laying of the corner stone and again, seventeen years after, on the completion of the monument. Those four orations stand in the literature of the world, as it seems to me, unrivaled in that department of oratory.

Mr. Winthrop's first oration is hardly accessible at all anywhere, and the second one is in the documents published by the two Houses at the time. If there is to be a history of the Washington Monument to be printed, it seems to me eminently fitting that those two very eloquent and able addresses should be included in the document.

Mr. FAIRBANKS. I will ask the Senator whether the document should not also contain the oration of Senator DANIEL?

Mr. HOAR. Oh, certainly.

Mr. FAIRBANKS. It seems to me that it should include that as well as the oration of Mr. Winthrop.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the papers in relation to the Washington Monument be printed as a document and that there

be included with the papers the oration of Mr. Winthrop at the laying of the corner stone and his oration at the completion of the Monument.

Mr. GALLINGER. And also Senator DANIEL's oration.

Mr. FAIRBANKS. And also the oration of Senator DANIEL at the time of the completion of the Monument. As I understand it, Mr. Winthrop and Senator DANIEL were the orators on the occasion of the celebration of the completion of the Monument.

The PRESIDENT pro tempore. There is also included in the request the oration of Senator DANIEL made at the time of the completion of the Monument. Is there objection? The Chair hears none, and it is so ordered.

#### INVESTIGATION BY COMMITTEE ON INDIAN AFFAIRS.

Mr. STEWART. I ask unanimous consent that the resolution proposing an investigation by the Committee on Indian Affairs be taken up.

The PRESIDENT pro tempore. Resolutions have not yet been reached.

Mr. HALE. Let us have the regular order.

The PRESIDENT pro tempore. Concurrent or other resolutions are in order.

Mr. STEWART. I ask unanimous consent that the resolution which was before the Senate yesterday may be taken up. I desire to offer a substitute for it.

The PRESIDENT pro tempore. The resolution to which the Senator refers is on the Calendar. It was reported yesterday and it can only be taken up at this time by unanimous consent.

Mr. STEWART. I ask unanimous consent to call it up.

Mr. HALE. Mr. President, I have insisted that the regular order shall proceed until it is exhausted. After that, if Senators can get unanimous consent for the consideration of bills, etc., I have no objection, but I ask that the regular order be completed.

Mr. STEWART. I will wait until the regular order is completed.

#### IMPROVEMENT OF DELAWARE RIVER AT PHILADELPHIA.

Mr. PENROSE submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he hereby is, authorized and directed to cause to be made an examination and survey of the Delaware River at Philadelphia, with a view to extending the improvement thereof above Christian street as far as Allegheny avenue, and to submit plans and estimates for such improvement, the cost of the work herein directed to be paid from the amount available for the improvement of said river below Christian street.*

JOHN H. LAWSON.

Mr. BATE. The bill (H. R. 7864) to pay John H. Lawson \$237.96 balance due him for services as United States mail carrier was referred to the Committee on Claims. I move that the committee be discharged from the further consideration of the bill and that it be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

#### HOUSE BILL REFERRED.

The bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

#### COURTS-MARTIAL IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, submitted by the Senator from Utah [Mr. RAWLINS].

Mr. HALE. Let it go over, holding its place.

The PRESIDENT pro tempore. The Senator from Maine asks that the resolution may go over, retaining its place on the table. The Chair hears no objection, and that order is made.

#### MILITARY OCCUPATION OF PANAMA AND COLON, ETC.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. MORGAN, as follows:

*Resolved, That the Secretary of the Navy is directed to send to the Senate copies of all reports and of all correspondence in the Navy Department, with naval or other officers of the United States, on duty in the bays of Panama and Colon since April, 1902, which relate to the military occupation of said bays and the region between them, and the cities of Colon and Panama, by the forces of the United States; or that relate to the operation of military or police forces of Colombia, or of any insurgents that were in arms against the Government of Colombia in that region of country since April, 1902; or that relate to any measures of any officers of the United States to bring about the pacification of that region or any intervention by such officers to that end; or that relate to the terms and conditions of the surrender of insurgent forces in that quarter to the forces or authorities of the Republic of Colombia.*

Mr. HALE. I move that the resolution be referred to the Committee on Naval Affairs.

The PRESIDENT pro tempore. The Senator from Maine moves that the resolution be referred to the Committee on Naval Affairs.

Mr. MORGAN. Mr. President, I feel constrained to state the purpose of the resolution in reply to the motion of the Senator

from Maine. It has no reference at all to the operations in the future of the Navy or the Army. It has reference alone to a treaty which is before the Senate and which has been published by authority of this body.

The purpose of the resolution is to acquire from the Navy Department the reports of officials and the correspondence which has taken place between the officers of the Government of the United States in that region and the Navy Department, which will show the condition of the people in that part of the country, and which will show, probably, their political relations toward each other and toward the United States—whether they are hostile or whether they are friendly.

It will show, also, no doubt, the operations of the insurrectionary party in Panama, during the last year, after the month of April. It will show how that insurrection was settled, if it ever has been settled, and whether that part of the country is still in insurrection or whether other departments of the Republic of Colombia are in insurrection. It will show, as I suppose, either the proof or the disproof of allegations which were made in the Colombian papers published at Baranquilla, and also in the papers of the United States, at the time of the settlement or the proposed settlement of that insurrection, that the Government of Colombia offered the insurgents that they would pay them \$3,000,000 for peace, and would pay it out of the money that was to be obtained from the United States for the sale of concessions relating to the canal.

These statements were made in the Colombian papers, Mr. President, and quoted and copied in the papers of New York and elsewhere in the United States. I saw them at the time. Authentic copies of those papers are not in my reach at the present moment, but I state in my place that those newspapers made the statements to which I refer, that is to say, that the Colombian Government, which means President Marroquin, for there is no government there but that of a dictatorship, proposed to the insurgents of Panama to settle with them, not with the whole of the insurrectionary party in the 15 different departments of Colombia, but this one department, by paying them, as I have said, \$3,000,000 out of the money to be obtained from the United States.

Now, in looking over the papers which have been reported to the Senate, coming from the State Department, we will find in the report upon the bill introduced by the senior Senator from Massachusetts [Mr. HOAR] a statement of an agreement between the Secretary of State, by order of the President, and Mr. Concha, the minister from Colombia, by the order, as he stated, of his Government.

I will read the correspondence that took place between these two plenipotentiaries to show what the situation was at the time of the passage of what is called the canal bill, on the 28th of June, 1902. I will remark, however, that at the time of the passage of that bill propositions in the form of treaties had been submitted to the Secretary of State and were communicated to Congress which showed that Nicaragua and Costa Rica together offered to sell the concessions to the United States for \$7,000,000, and Colombia offered to sell her concession to the United States for the same amount of money—\$7,000,000, so that at the time we were considering that bill the offers of the three Governments balanced each other precisely, and there was no question for discussion, of course, as to the cost of the canal based upon a difference in the offers of the respective Governments.

In the communication of the treaty proposed by Colombia at that time to the United States Mr. Concha had addressed a letter to Mr. Hay, which Mr. Hay communicated to me as chairman of the Committee on Interoceanic Canals, on May 15, 1902. I will not read the letter addressed to myself, but I will ask leave to insert it in my remarks, unless some Senator wants to hear it read, and also the entire correspondence on that subject, reported to the Senate in May, 1902, which includes a copy of the treaty agreed upon between Mr. Hay and Mr. Concha as the plenipotentiaries of the two Governments. I will discuss these papers, or the parts of them that are pertinent to this resolution I have offered, leaving the Senate to consider other questions suggested by them.

DEPARTMENT OF STATE,  
Washington, May 15, 1902.

Hon. JOHN T. MORGAN,  
Chairman Committee on Interoceanic Canals, United States Senate.

SIR: I have the honor to inclose copies of letters from the Colombian minister, dated the 31st of March and the 18th and 23d of April, accompanied by the letter of exposition and the letter of William Nelson Cromwell, both dated the 31st of March, referred to in the minister's letter of that date, and also a memorandum of a convention which the Government of Colombia is ready to sign with that of the United States of America respecting the completion, maintenance, control, and protection of an interoceanic canal over the Isthmus of Panama. I also inclose a copy of a letter which I addressed to the minister of Colombia on the 21st of April, announcing that I am directed by the President to inform him that I shall be ready to sign with him the proposed convention as soon as the Congress of the United States shall have authorized the President to enter into such an agreement and the law officers of this Government shall have decided upon the question of the title which the New Panama Canal Company is able to give of all the properties and

rights claimed by it and pertaining to a canal across the Isthmus, and covered by the pending proposal.

I inclose, also, a project of a treaty presented to me this day by the minister of Nicaragua in behalf of his Government. I have not yet received a definite proposition from the Government of Costa Rica, but am informed by the Costa Rican minister that his Government is ready to enter into any satisfactory arrangement with that of the United States on the basis of the protocol of December 1, 1900, but that, as set forth in the recent message of President Iglesias, an extract from which I inclose, it will be necessary that the Government of Costa Rica should, before entering into positive negotiations with that of the United States of America, adopt a constitutional amendment authorizing the necessary concessions for the construction of an interoceanic canal, or to have the matter referred to public opinion in some other way by calling a constituent assembly for the purpose. I am assured by the Costa Rican Government that these steps will be taken as soon as the Congress of the United States shall decide the question of the route of the canal. I also inclose, in accordance with the request of the Nicaraguan minister, a copy of the protocol entered into between this Government and those of Nicaragua and Costa Rica December 1, 1900.

I have the honor to submit all these documents to your committee, with the hope that this definite information as to the purposes and intentions of the Nicaraguan, Colombian, and Costa Rican Governments may be of service to you in determining the question of the route of the proposed interoceanic canal.

In view of the great interests involved, the President wishes me to express to you and to the committee of which you are chairman his earnest hope that there may be as little delay as possible in the legislation which will authorize the beginning of this work, which he regards as so important and so beneficial to this country and the world.

I am, sir, very truly, your obedient servant,

JOHN HAY.

The papers inclosed to me and reported to the Senate in connection with the bill of the Senator from Massachusetts were as follows:

LEGACION DE COLOMBIA,  
Washington, D. C., March 31, 1902.

I have the honor to hand your excellency the proposal of the Republic of Colombia for a concessionary convention or treaty between the Republic of Colombia and the United States of America respecting the completion, maintenance, operation, control, and protection of the interoceanic canal over the Isthmus of Panama.

I soon shall hand you a letter of exposition and also have requested Mr. William Nelson Cromwell, general counsel of the New Panama Canal Company, to present you a statement which I have approved.

Please accept these additional communications in connection with the proposed treaty.

I avail myself of this opportunity to renew to your excellency the assurance of my high consideration.

JOSE VICENTE CONCHA.

Hon. JOHN HAY,  
Secretary of State of the United States.

[Translation.]

LEGACION DE COLOMBIA,  
Washington, D. C., March 31, 1902.

The undersigned, envoy extraordinary and minister plenipotentiary of the Republic of Colombia, has the honor to supplement the note which he had the honor to hand to the honorable Secretary of State, together with the memorandum setting forth the bases of a treaty between Colombia and the United States for the purpose of securing the authorization of Colombia for the New Panama Canal Company to transfer its rights and privileges to the American Government and of regulating the relations between the contracting parties in respect of this enterprise.

The bases have been formulated after a serious and mature consideration of those which were submitted to the legation on the subject by the president of the Isthmian Canal Commission, which had been intrusted by the honorable Secretary of State with the discussion of the question. The intent of these bases has been to condense the most liberal terms that could be granted by Colombia in the matter.

The Republic that I represent realizes the importance of the contemplated interoceanic waterway for the civilization and progress of the world, and since nature has placed the shortest and most expeditious route within the territory of the Republic, Colombia widely and generously opens her doors so that the grand work may be achieved within the shortest possible time.

If the people of the United States evince an earnest desire that their Government apply its energies and treasure to the completion of the canal, Colombia not only will not place any obstacle whatever in the way of such a purpose or keep her concessions within the bounds of those previously conceded to private enterprise, but will enlarge those concessions to such an extent as to renounce a demand for the ownership after the lapse of a number of years of operation, as stipulated in the French company's contract; she will grant the use of a much more extensive zone than that originally conceded for the execution of the work; extend facilities in all the ports of the Republic for cooperation in the work of the enterprise; relinquish her proprietary and usufructuary rights in the Panama Railway, and, lastly, forego a fixed participation in the proceeds of the canal, confining her demands to a fee of annuity for the price of the zone, the revenues of the railway, and the heavier expenses put upon the public administration in the Isthmus by the increase of population and the traffic consequent to the work on the canal itself.

Thus does Colombia give fresh evidence of her long-standing and cordial sentiments of friendship toward the United States, and evinces in a clear and sincere manner the gratification with which she will receive the industrious and intelligent citizens of your Republic in her territory.

Colombia has no lust of unwise lucre through the construction of the canal in her territory, and a final convention on this subject will not be hampered by pecuniary considerations. Her pride in the matter is bent on having the neutral waterway between the two oceans, that ideal of universal peace and progress, become a reality on her territory, and under the protection of her sovereignty. The compensations asked by Colombia have special importance only in that they will imply a practical and constant recognition of her sovereignty.

The undersigned has no doubt that the mere perusal of the memorandum will bring forward the justice and equity of the propositions, which, if accepted, would be perfected in the same spirit.

The undersigned embraces this opportunity to reiterate to the honorable Secretary the assurance of his highest and most distinguished consideration.

JOSE VICENTE CONCHA.

Hon. JOHN HAY,  
Secretary of State of the United States.



[The New Willard, Washington, D. C., Sullivan & Cromwell, 49 and 51 Wall street.]

NEW YORK, March 31, 1902.

Hon. JOHN HAY,

Secretary of State, Washington, D. C.

SIR: In connection with the presentation by Señor Jose Vicente Concha, minister plenipotentiary and envoy extraordinary from the Republic of Colombia, of a proposed concessionary convention or treaty between the United States and Colombia to the completion, operation, control, and protection of the Panama Canal by the United States, I have been requested by the minister, in view of my relation to the subject as general counsel of the Panama Canal Company, and of my knowledge of the minister's views derived from our daily conferences in the preparation of the treaty, to submit the following reflections:

Colombia welcomes the United States to its territory, and will facilitate in every way reasonable within its power the consummation of the desires and needs of the United States for the completion, operation, maintenance, control, and protection of the interoceanic canal across its domain, subject, of course, to the sovereignty of Colombia, and a reasonable and just convention between the two nations.

Colombia views with admiration, as does the rest of the world, the splendid magnanimity, the far-seeing statesmanship, the virile and comprehensive policy which moves this people to construct the greatest undertaking which has ever engaged the attention of mankind, not for its own benefit alone, nor with selfish preference to its own commerce, but for the common benefit upon equal terms and under universal neutrality in times of peace for all the peoples of the earth.

History does not furnish another instance of such national generosity, patriotism, and wisdom.

This could not but call out from Colombia the warmest response; and that nation takes pride in associating herself with an affair conducted upon such an elevated plane of national and international duty and concern.

The Isthmian Canal Commission, a most distinguished and able body, selected with such care by President McKinley to consider all possible isthmian canal routes and to determine which of them it is most to the interest of the United States to acquire, has reported unanimously that the Panama route is the most practicable and feasible route for an isthmian canal to be under the control, management, and ownership of the United States. Therefore the solution of the problem only involves two other conditions:

1. The sale by the New Panama Canal Company to the United States of the concession, property, and rights of the canal, with the shares of the Panama Railroad Company; and,

2. A new concessionary convention or treaty with Colombia.

The first of these two conditions already has been made easy of fulfillment in the formal acceptance by the New Panama Canal Company of the valuation fixed by the Isthmian Canal Commission—\$40,000,000—and by its duly authorized proposal to the United States for a sale of the property at that price, subject, of course, to a satisfactory convention being arrived at between the United States and Colombia.

The sole remaining condition, then, is the determination of the concessionary and treaty relations of the United States to a zone of territory across the Isthmus of Panama necessary for the consummation of the undertaking.

There has not been a moment in which Colombia has not entertained the keenest desire to further the design of the United States, and this sentiment has prevailed under each succeeding administration in Colombia and alike in both of the great national parties who alternately have ruled in that country.

This sentiment is neither new born nor inspired by hope of pecuniary gain. The two nations are old friends, and this feeling assumed practical form in 1846, when the treaty of that year was made, which expressly provided for the construction of this canal, in furtherance of which Colombia guaranteed to the United States the free transit of the Isthmus and granted extraordinary concessions to the people and commerce of the United States upon terms of perfect equality with its own citizens, while the United States, in turn, guaranteed the neutrality of the Isthmus and of the canal to be constructed upon it, as well as the sovereignty of Colombia over that territory.

It is a significant fact that this treaty of 1846-1848, assuring to the United States special rights and privileges upon the Isthmus of Panama in connection with any interoceanic canal or railroad across the Isthmus of Panama, antedates the Clayton-Bulwer treaty. The treaty of 1846-1848 is in full force, as it has continued to be without change from the date of its execution.

Colombia has never made a treaty with any other nation upon the subject of an isthmian canal, although it was at liberty to do so.

These treaty ties cemented their joint designs for the construction of a new highway for the world have held the two nations together in common interests and unbroken friendship for more than a half century.

By granting the concessions now owned by the New Panama Canal Company and by furthering the construction of the canal to its present advanced stage of completion by the Old and New Panama Canal companies, Colombia initiated the great work which now, happily, the United States may consummate.

While the minister of Colombia was in Washington for more than a year waiting for the moment when the subject could be seriously and attentively discussed, it is only since January 4, 1902, that anything could be definitely said or done, since then, and then only, was a definite proposal of sale made by the canal company. Immediately thereupon, however, the Government of Colombia, requiring the services of its then minister in other important fields, designated its minister of war, Señor Concha, as minister plenipotentiary and envoy extraordinary, to come at once from Bogota to Washington, charged with its ripest views and amplest instructions, to confer with the executive authorities of the United States, and, after exchange of information and opinions, to reach a satisfactory convention.

Minister Concha has devoted himself, since his arrival a few weeks ago, absorbingly to this task, and is prepared to reach a conclusion with the executive officers of the Government.

He is fully empowered to negotiate and sign a treaty, subject only to the ratification of the Colombian Congress, as in like cases with all nations.

But Colombia is in the dark as to the precise desires and needs of the United States upon the subject, and Minister Concha can not, of course, anticipate in his first statement all the reasonable requirements of this Government. He wishes, however, to manifest in the most hearty manner the desire of his Government to facilitate the purposes of the United States, and this disposition is manifested by the comprehensive convention which he has this day submitted to you, but not as an ultimatum. The establishment of a canal convention involves, as you are so well aware, besides the utilization of a canal zone for the construction, operation, maintenance, control, and protection of a canal, railroad, and auxiliary works, as well as a grant renewable perpetually and a consent to the sale by the New Panama Canal Company (all of which Colombia concedes in the convention submitted), but also numerous other grave questions relating to judicial procedure, punishment of crimes, the capture of criminals, sanitary and police regulations of Panama and Colon, proper regard to the vested interests upon the Isthmus, exemption of the United States from all forms of taxes, port charges, or other dues, etc.

Quite aside from pecuniary matters, these are subjects which only can be examined and negotiated directly with you in person, and are impossible of negotiation with the Houses of Congress.

Permit me to call attention to the facts that a canal convention in respect of the Isthmus of Panama necessarily involves considerations which do not relate to a section where there is but a wilderness, uninhabited by man, and producing no income to the nation. The convention respecting the Panama route covers a zone which has been the pathway of commerce across the continent for four hundred years, with important cities at its termini, with villages along the route, with a settled population, with considerable property, and with important vested interests to be taken into consideration.

All this represents an increment of value in civilizing influences, in means of protection, in expenditures of national funds for improvement and development, as well as in certitude of engineering plans, of all which the United States now may derive the benefit.

It would be neither in order nor fitting for the canal company or myself to express any views, one way or the other, upon any of the provisions of the proposed treaty, and our reserve in that regard will be noted. However, I beg to refer, by special request of the minister, to Article XXV of his proposed treaty, and which article relates to the pecuniary terms. Colombia is prepared to discuss, negotiate, and decide upon the precise sum or sums which may be reasonable for the United States to pay and for Colombia to ask, but as the subject is in the hands of Congress, and it seems impracticable at the moment to secure a definite expression of the views of the United States upon the subject, Colombia manifests its good faith and reasonableness by proposing that the annuity shall be only such sum as mutually may be agreed upon between the nations, or, failing in such agreement, such fair and reasonable amount as may be determined by a high commission presided over by the president of the International Peace Tribunal of The Hague, the remaining members being nominated in equal number by the two nations.

Such annuity would only be fixed once in a hundred years. The national requirements of Colombia make a payment of \$7,000,000 desirable, and you will note the provisions on that head; but I also ask you to note that Colombia waives the annuity for the first fourteen years. This method insures to the United States the concessionary rights which it requires and which can not be affected or interrupted by any difference or delay respecting the ascertainment of the annuity. The United States is only required to pay such sum as it may agree upon or as so may be determined to be fair and reasonable. Colombia does not ask more than what may be determined to be fair and reasonable, and surely the United States does not wish to do less than that.

I have the honor to be, Mr. Secretary, your obedient servant.

WM. NELSON CROMWELL,

General Counsel New Panama Canal Company.

LEGACION DE COLOMBIA,

Washington, D. C., April 15, 1902.

SIR: Concerning the conclusions reached as the result of the conference held between yourself and Mr. Cromwell, and adopting, as far as practicable, your valuable suggestions, I beg leave to hand you the concessionary convention or treaty (in Spanish and in English), embodying the amendments agreed upon in the conference referred to.

My previous communication of March 31, 1902, proposing the concessionary convention or treaty in behalf of my Government, and the expository communications of myself and Mr. Cromwell, under the same date, apply equally to the inclosures.

Awaiting the pleasure of your excellency, I have the honor to renew the assurances of my high consideration.

J. V. CONCHA.

Hon. JOHN HAY,

Secretary of State of the United States,

Department of State.

Then follows the full text of the treaty that Mr. Concha submitted to the Government of the United States as being a treaty that he was authorized to make by the President of Colombia and would make and was ready to sign, as follows, and then the letter of Mr. Hay accepting the same, and the concluding letter of Mr. Concha, which completed the treaty and closed the negotiations.

The agreement between the Governments, through their plenipotentiaries, was completed by their respective notes, which were duly interchanged. Nothing remained to be done but the formality of signing the copies, one for each Government, in order to identify them and not to add anything to their legal or moral obligation; any added stipulation would be a new negotiation. We had a right to demand that the price of the concession was agreed upon, at \$7,000,000. If we have lost that right, it must be because we have given it away to Colombia.

LEGACION DE COLOMBIA, WASHINGTON, D. C.

Memorandum of points to be embodied in a convention between the Republic of Colombia and the United States of America for the construction of an interoceanic canal by the Panama route and the management of the railroad over said Isthmus, in furtherance of article 85 of the treaty of 1846-1848, existing between said nations; presented by the undersigned envoy extraordinary and minister plenipotentiary of the Republic of Colombia.

#### ARTICLE I.

The Government of Colombia authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties, and concessions, as well as the Panama Railroad and all the shares or part of the shares of that company, with the exception of the public lands situated outside of the zone hereinafter specified now corresponding to the concessions to both said enterprises, which public lands shall revert to the Republic of Colombia.

But it is understood that Colombia reserves all its rights to the special shares in the capital of the New Panama Canal Company, to which reference is made in Article IV of the contract of December 10, 1890, which shares shall be paid their full nominal value at least.

The railroad company (and the United States as owner of the enterprise) shall be free from the obligations imposed by the railroad concession, excepting as to the payment at maturity by the railroad company of the outstanding bonds issued by said railroad company.

#### ARTICLE II.

The United States shall have the exclusive right to excavate, construct, maintain, operate, control, and protect a maritime canal from the Atlantic to the Pacific Ocean, to and across the territory of Colombia, such canal to be of sufficient depth and capacity for vessels of the largest tonnage and great draft now engaged in commerce; and also the same rights for the construction, maintenance, operation, control, and protection of railway, telegraph, and telephone lines, canals, dikes, dams, reservoirs, and such other

auxiliary works as may be necessary and convenient for the construction, maintenance, protection, and operation of the canal.

#### ARTICLE III.

To enable the United States to exercise the rights and privileges granted by the foregoing articles, the Republic of Colombia grants to that Government the use of a zone of territory along the route of the canal to be opened, 5 kilometers in width on either side thereof, measured from its center line, excluding the cities of Panama and Colon. So far as necessary for the construction, maintenance, and operation of the canal, the United States shall have the use and occupation of the group of small islands in the Bay of Panama, named Perico, Nacos, and Flamenco, together with 10 fathoms of water in the Bay of Limon in extension of the canal, but the same shall not be construed as being within the zone herein defined, nor governed by the special provisions applicable to the zone. This concession shall be for the term of one hundred years, renewable at the option of the United States for periods of similar duration and subject to the payment of the amount hereinafter expressed.

This grant shall in no manner invalidate the titles of rights of private landholders in the said zone of territory, nor shall it interfere with the rights of way over the public roads of the department.

All the stipulations contained in article 35 of the treaty of 1846-1848 between the contracting parties shall continue and apply in full force to the cities of Panama and Colon and to the accessory community lands within the said zone, and the territory thereon shall be neutral territory, and the United States shall continue to guarantee the neutrality thereof and the sovereignty of Colombia thereover in conformity with the above-mentioned article 35 of said treaty.

In furtherance of this provision, there shall be created a joint commission by the Governments of Colombia and the United States that shall establish and enforce sanitary and police regulations.

#### ARTICLE IV.

The rights and privileges granted to the United States by the terms of this convention shall not affect the sovereignty of the Republic of Colombia over the territory within whose boundaries such rights and privileges are to be exercised.

The United States freely acknowledges and recognizes this sovereignty and disavows any intention to impair it in any way whatever, or to increase its territory at the expense of Colombia or of any of the sister republics in Central or South America, but, on the contrary, it desires to strengthen the power of the republics on this continent, and to promote, develop, and maintain their prosperity and independence.

#### ARTICLE V.

The Republic of Colombia authorizes the United States to construct and maintain at each entrance and terminus of the proposed canal a port for vessels using the same, with suitable light-houses and other aids to navigation; and the United States is authorized to use and occupy within the limits of the zone fixed by this convention such parts of the coast line and of the lands and islands adjacent thereto as are necessary for this purpose, including the construction and maintenance of breakwaters, dikes, jetties, embankments, coaling stations, docks, and other appropriate works. And the United States undertakes the construction and maintenance of such works and will bear all the expense thereof. The ports, when established, shall be declared free, and their demarcations shall be clearly and definitely defined.

To give effect to this article, the United States will give special attention and care to the maintenance of works of drainage, sanitary, and healthful purposes along the line of the canal and its dependencies, in order to prevent the invasion of epidemics, or of securing their prompt suppression, should they appear. With this end in view the United States will organize hospitals along the line of the canal and will suitably supply the towns of Panama and Colon with the necessary aqueducts and drainage works, in order to prevent their becoming centers of infection on account of their proximity to the canal.

The Government of Colombia will secure the possession of the land that may be required in the towns of Panama and Colon to effect the improvements above referred to, and the Government of the United States shall be authorized to impose and collect equitable water rates previously agreed upon with the Government of Colombia during fifty years for the service rendered; but on the expiration of said term, the use of the water shall be free for the inhabitants of Panama and Colon, except to the extent that may be necessary for the maintenance of said aqueducts.

#### ARTICLE VI.

The Republic of Colombia agrees that it will not cede or lease to any foreign government any of its islands or harbors within or adjacent to the Bay of Panama, nor on the Atlantic coast of Colombia between the Atrato River and the western boundary of the department of Panama for the purpose of establishing fortifications, naval or coaling stations, military posts, docks, or other works that might interfere with the construction, maintenance, operation, protection, safety, and free use of the canal and auxiliary works. In order to enable Colombia to comply with this stipulation, the Government of the United States agrees to give Colombia the material support that may be required, in order to prevent the occupation of said islands and ports, guaranteeing there the sovereignty, independence, and integrity of Colombia.

#### ARTICLE VII.

The Republic of Colombia includes in the foregoing grant the right, without obstacle, cost, or impediment, to the free navigation and use of the waters of the Chagres River and other streams, lakes, and lagoons, and of all waterways, natural and artificial, within the jurisdiction and under the dominion of the Republic of Colombia in the department of Panama, that may be necessary or desirable for the construction, maintenance, and operation of the canal and its auxiliary works, including the right to raise and lower the levels of the waters and to deflect them, and to rectify and navigate any and all streams, lakes, and lagoons. All damages caused to private landowners by inundation, or by the deviation of water courses, or in other ways, arising out of the construction or operation of the canal, shall in each case be appraised and settled by a joint commission appointed by the Governments of Colombia and the United States, but the cost of the indemnities so agreed upon shall be borne solely by the United States.

#### ARTICLE VIII.

The Government of Colombia declares free for all time the ports at either entrance to the canal and the waters thereof in such a manner that there shall not be collected by the Government of Colombia custom-house tolls, tonnage, anchorage, light-house, wharf, pilot, or quarantine dues, nor any other charges or taxes of any kind shall be levied or imposed by the Government of Colombia upon any vessel using or passing through the canal or belonging to or employed by the United States, directly or indirectly, in connection with the construction, maintenance, and operation of the main work or its auxiliaries or upon the cargo, officers, crew, or passengers of any such vessel, it being the intent of this convention that all vessels and their cargoes, crews, and passengers shall be permitted to use and pass through the canal and the ports leading thereto, subject to no other demands or im-

positions than such tolls and charges as may be imposed by the United States for the use of the canal and other works, it being understood that such tolls and charges shall be equal for vessels of all nations.

The ports leading to the canal shall also be free to the commerce of the world, and no duties or taxes shall be imposed, except upon merchandise destined to be introduced for the consumption of the rest of the Republic of Colombia, or the department of Panama, and upon vessels touching at the ports of Colon and Panama, and which did not cross the canal. Though the said ports shall be free and open to all, the Government of Colombia may establish in them such custom-houses and guards as Colombia may deem necessary to collect duties on importations destined to other portions of Colombia and to prevent contraband trade. The United States shall have the right to make use of the ports at the two extremities of the canal as places of anchorage, in order to make repairs for loading, unloading, depositing, or transshipping cargoes either in transit or destined for the service of the canal.

#### ARTICLE IX.

There shall not be imposed any taxes, national, municipal, departmental, or of any other class, upon the canal, the vessels that may use it, tugs and other vessels employed in the service of the canal, the railways and auxiliary works, storehouses, workshops, offices, quarters for laborers, factories of all kinds, warehouses, wharves, machinery and other works, property and effects appertaining to the canal or railroad, or that may be necessary for the service of the canal or railroad and their dependencies, whether situated within the cities of Panama and Colon, or any other place authorized by the provision of this convention.

Nor shall there be imposed contributions or charges of a personal character of whatever species upon officers, employees, laborers, and other individuals in the service of the canal and its dependencies.

#### ARTICLE X.

It is agreed that telegraph and telephone lines, when established for canal purposes, may also, under suitable regulations, be used for public and private business in connection with the systems of Colombia and the other American Republics, and with the lines of cable companies authorized to enter the ports and territories of these Republics; but the official dispatches of the Government of Colombia and the authorities of the Department of Panama shall not pay for such service higher tolls than those required from the officials in the service of the United States.

#### ARTICLE XI.

The Government of Colombia shall permit the immigration and free access to the lands and workshops of the canal enterprises of all employees and workmen of whatever nationality under contract to work upon the said canal and its dependencies, with their respective families, and all such persons should be free and exempt from the military service of the Republic of Colombia.

#### ARTICLE XII.

The United States may import at any time into the said zone, free of customs duties, imposts, taxes, or other charges, and without any restriction, any and all vessels, dredges, engines, cars, machinery, tools, explosives, materials, supplies, and other articles necessary and convenient in the construction, maintenance, and operation of the canal and auxiliary works; also all provisions, medicines, clothing, supplies, and other things necessary and convenient for the officers, employees, workmen, and laborers in the service and employ of the United States within the said zone and for their families. If any such articles are disposed of for use without the zone and within the territory of the Republic, they shall be subject to the same import or other duties as like articles under the laws of Colombia, or the ordinances of the department of Panama.

#### ARTICLE XIII.

The United States shall have authority within the said zone to protect and make secure the canal, as well as railroads and other auxiliary works, and to preserve order and discipline among the laborers and other persons who may congregate in that region in consequence of the proposed work.

The Governments of Colombia and the United States shall agree upon the regulations necessary for said purpose, as well as to the capture and delivery of criminals to the respective authorities. Special regulations also shall be agreed upon, in the manner aforesaid, for the establishment of laws and jurisdiction to decide controversies that may arise respecting contracts relative to the construction and management of the canal and its dependencies, as well as to the trial and punishment of crimes that may be committed within the said zone of the canal.

#### ARTICLE XIV.

The works of the canal, the railways, and their auxiliaries shall be declared of public utility, and in consequence all areas of land and water necessary for the construction, maintenance, and operation of the canal and the other specified works may be expropriated in conformity with the laws of Colombia, except that the indemnity shall be conclusively determined, without appeal, by a joint commission appointed by the Governments of Colombia and the United States.

The indemnities awarded by the commission for such expropriation shall be borne by the United States, but the appraisal of said lands and the assessment of damages shall be based upon their value before the commencement of the work upon the canal.

#### ARTICLE XV.

The Republic of Colombia grants to the United States the use of all the ports of the Republic open to commerce as places of refuge for any vessels employed in the canal enterprise, and for all vessels in distress having the right to pass through the canal and wishing to anchor in said ports. Such vessels shall be exempt from anchorage and tonnage dues on the part of Colombia.

#### ARTICLE XVI.

The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be open upon equal terms to the vessels of all nations at uniform tonnage and other rates that may be imposed in virtue of the stipulations of this convention and in conformity with the stipulations of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901, and known as the Hay-Pauncefote treaty.

#### ARTICLE XVII.

The Government of Colombia shall have the right to transport over the canal its vessels, troops, and munitions of war at all times, without paying charges of any kind. This exemption is to be extended to the auxiliary railway for the transportation of persons in the service of the Republic of Colombia or of the department of Panama, or of the police force charged with the preservation of public order, as well as to their baggage, munitions of war, and supplies.

#### ARTICLE XVIII.

The United States shall have full power and authority to establish and enforce regulations for the use of the canal, railways, and the entering ports and auxiliary works, and to fix rates of tolls and charges thereof, subject to the limitations stated in the Article XVI.



## ARTICLE XIX.

The rights and privileges granted to the United States by this convention shall not affect the sovereignty of the Republic of Colombia over the real estate that may be acquired by the United States by reason of the transfer of the rights of the New Panama Canal Company and the Panama Railroad Company lying outside of the said canal zone.

## ARTICLE XX.

If, by virtue of an existing treaty between the Republic of Colombia and any third power, there may be privileges or concessions relative to an inter-oceanic means of communication which especially favors such third power and which in any of its terms may be incompatible with the terms of the present convention, the Republic of Colombia agrees to cancel or modify such treaty in due form, for which purpose it shall give to the said third power the requisite notification within the term of four months from the date of the present convention, and in case the existing treaty contains no clause permitting their involuntary annulment, the Republic of Colombia agrees to procure its modification or annulment in such form that there shall not exist any conflicts with the stipulations of the present convention.

## ARTICLE XXI.

The rights and privileges granted by the Republic of Colombia to the United States in the preceding articles are understood to be free of all anterior concessions or privileges to other governments, corporations, syndicates, or individuals, and consequently if there should arise any claims on account of the present concessions and privileges the claimants shall resort to the Government of Colombia and not to the United States for any indemnity or compromise which may be required.

## ARTICLE XXII.

The Government of Colombia renounces the participation to which it might be entitled in the future earnings of the canal under Article XV of the contract with the "Universal Panama Canal Company;" and it likewise renounces now and hereafter all the rights reserved in the said concession which shall belong to Colombia at the expiration of the term of ninety-nine years of the concession granted to the above-mentioned company.

## ARTICLE XXIII.

If it should become necessary at any time to employ armed forces for the safety or protection of the canal, or of the ships that make use of the same, or the railways and other works, the Republic of Colombia agrees to provide the forces necessary for such purpose, according to the circumstances of the case, but if the Government of Colombia can not effectively comply with this obligation, then, with the consent of or at the request of Colombia, or of her minister at Washington, or of the local authorities, civil or military, the United States shall employ such force as may be necessary for that sole purpose, and as soon as the necessity shall have ceased will withdraw the forces so employed. Under exceptional circumstances, however, on account of unforeseen or imminent danger to said canal, railways, and other works, or to the lives and property of the persons employed upon the canal, railways, and other works, the Government of the United States is authorized to act in the interest of their protection, without the necessity of obtaining the consent beforehand of the Government of Colombia; and it shall give immediate advice of the measures adopted for the purpose stated, and as soon as sufficient Colombian forces shall arrive to attend to the indicated purpose those of the United States shall retire.

## ARTICLE XXIV.

The Government of the United States agrees to complete the construction of the preliminary works necessary, together with all the auxiliary works, in the shortest time possible; and within two years from the date of the exchange of ratification of this convention the main works of this canal proper shall be commenced, and it shall be opened to the traffic between the two oceans within twelve years after such period of two years. In case, however, that any difficulties or obstacles should arise in the construction of the canal, which are at present impossible to foresee, in consideration of the good faith with which the Government of the United States shall have proceeded and the large amount of money expended so far on the works and the nature of the difficulties which may have arisen, the Government of Colombia will prolong the terms stipulated in this article up to twelve years more for the completion of the work of the canal.

## ARTICLE XXV.

As the price or compensation for the right to use the zone granted in this convention by Colombia to the United States for the construction of a canal, together with the proprietary right over the Panama Railroad, and for the annuity of \$250,000 gold, which Colombia ceases to receive from the said railroad, as well as in compensation for other rights, privileges, and exemptions granted to the United States; and in consideration of the increase in the administrative expenses of the department of Panama consequent upon the construction of the said canal, the Government of the United States binds itself to pay Colombia the amount of \$7,000,000 in American gold on the exchange of the ratification of this convention, after its approval by the legislative bodies by both countries, and fourteen years after the date aforesaid a fair and reasonable annuity that shall be agreed upon by the contracting Governments, three years before the expiration of the above-mentioned term of fourteen years.

In fixing this fair and reasonable annuity there shall be taken into consideration the present price of the usufruct of the railway as well as the compensation that is to be stipulated for the use of the zone and for the additional administrative expenses that the construction of the canal will impose upon Colombia; and also the advanced payment of \$7,000,000 and the comparative cost and conditions upon which the United States reasonably could have expected to acquire concessions satisfactory to it in respect of any other canal route.

Three years before the expiration of each term of one hundred years the annuity for the following term shall be fixed in a similar manner.

But in the event that the parties are unable to come to an understanding within the periods above referred to as to such fair and reasonable annuity, then before the second year prior to the termination of the periods above referred to the contracting parties shall proceed to constitute a high commission, to be composed of five members, of whom two shall be appointed by Colombia, two by the United States, and the fifth (who shall be the president of such high commission) shall be the president for the time being of the International Peace Tribunal of The Hague, and the determination reached by said commission, by a majority vote, concerning such fair and reasonable annuity that is to be paid to Colombia by the United States in conformity with this article shall be binding upon the contracting parties.

But no delay nor difference of opinion in fixing such amount shall affect nor interrupt the full operation and effect of this convention in all other respects.

## ARTICLE XXVI.

If after the lapse of five years from the date of this convention the necessary works for the opening of the canal should not have been commenced by the United States, or if after the expiration of the twelve years stipulated

for the completion of the work, and the extension of twelve years referred to in Article XXIV, the canal should not be opened to commerce, all the concessions granted by this convention shall be forfeited and all the works, principal and accessory, machinery, and properties of the canal, shall become the property of the Republic of Colombia, and the same Republic shall recover its actual rights over the Panama Railroad without any obligation to return any of the sums that it may have received in conformity with this convention.

## ARTICLE XXVII.

This convention, when signed by the contracting parties, shall be submitted for legislative approval, and shall be exchanged within a term of eight months from this date.

Article XXV fixes the price of the concession at \$7,000,000, and nothing is stated in the present treaty as a reason for raising the price to \$10,000,000.

Mr. Hay, in reply to Mr. Concha's note, says this:

DEPARTMENT OF STATE,  
Washington, April 21, 1902.

SIR: I have the honor to acknowledge the receipt at your hands of a communication dated the 31st of March, 1902, and another of the 18th of April, inclosing a proposal of the Republic of Colombia for a concessionary convention or treaty between the Republic of Colombia and that of the United States of America respecting the completion, maintenance, operation, control, and protection of an interoceanic canal over the Isthmus of Panama.

I am directed by the President to inform you that I shall be ready to sign with you the proposed convention as soon as—

First. The Congress of the United States shall have authorized the President to enter into such an agreement; and

Second. As soon as the law officers of this Government shall have decided upon the question of the title which the New Panama Canal Company is able to give to all the properties and rights claimed by it and pertaining to a canal across the Isthmus and covered by the pending proposal.

Accept, sir, the renewed assurances of my highest consideration.

JOHN HAY.

Señor DON JOSE VICENTE CONCHA, etc.

Mr. Concha replied to that note as follows:

[Translation.]

LEGATION OF COLOMBIA,  
Washington, D. C., April 23, 1902.

SIR: I have the honor to acknowledge the reception of your excellency's communication of the 21st instant, by which you are pleased to inform me that you are authorized by the President of the United States to sign with the Republic of Colombia the treaty relative to the opening of the Panama Canal, and the other details connected with the said work, in accordance with the draft I submitted to the Government of the United States on the 18th instant, and that you will proceed to do so as soon as permission shall have been given by the Congress of this Republic and as soon as the official lawyers shall have given their opinion regarding the title of the new canal company for the transfer of its rights.

When the occasion to sign the above-mentioned treaty shall arise, I will present, according to usage, the full powers authorizing me to do so.

Accept, excellency, the sentiments of my high consideration.

JOSE VICENTE CONCHA.

Hon. JOHN HAY,  
Secretary of State of the United States,  
Department of State.

Mr. President, I desire to be very brief about this matter. I have now presented the case of a treaty agreed to between our Secretary of State and the minister of Colombia, both asserting that it was done by the orders of their respective Governments and that they were both ready to sign that treaty whenever Congress should authorize the making of such a treaty, and whenever the President of the United States should ascertain through its proper legal adviser—the Attorney-General, I suppose—that the title of the Panama Canal Company to what it proposed to sell us was free and clear. Both of these matters have been ascertained to the satisfaction of the President, and the treaty now in the Senate has been sent here because of the ascertainment of those facts.

The treaty that was submitted by Mr. Concha to Mr. Hay, and agreed to by both parties, was for the payment of \$7,000,000 for this concession and \$250,000 a year, I think, for fourteen years, but at any rate that was the annual amount that was agreed upon.

The treaty now submitted to the Senate contains a provision for the payment of \$10,000,000—

Mr. CULLOM. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Illinois?

Mr. CULLOM. I think I ought to ask, Mr. President, that the doors be closed in the discussion of this treaty, and I will call the attention of the Senator from Alabama to it before insisting upon my motion.

Mr. MORGAN. Mr. President, the Senator from Illinois need not make any apology to me for that motion. I have had it inflicted upon me heretofore for the purpose of covering up debate and preventing any inquiry into public affairs. The Senator, of course, has the right to make the motion and, if some one seconds it, he can go ahead.

Mr. CULLOM. Mr. President, I move that the doors be closed.

Mr. HALE. I second the motion. Mr. President.

The PRESIDENT pro tempore. The Senator from Illinois—  
Mr. MORGAN. I raise a question of order on that motion, Mr. President.

The PRESIDENT pro tempore. The Senator will state his point of order.

Mr. MORGAN. The point of order is that I am on the floor,

and that the Senator from Illinois can not take me off the floor to make that motion.

The PRESIDENT pro tempore. The Chair overrules the point of order.

Mr. CULLOM. I will insist on my motion, Mr. President.

The PRESIDENT pro tempore. The Sergeant-at-Arms will clear the galleries and close the doors.

The Senate proceeded with closed doors to consider the resolution.

After one hour and fifteen minutes (at 1 o'clock and 58 minutes p. m.) the doors were reopened.

Mr. MORGAN. Mr. President, I proceed with the remarks I was prevented from making when the doors were closed, which I intended to make.

The first fact I meant to state was the publication in the Springfield Daily Republican, of Massachusetts, and inasmuch as Senators have doubtless all heard this paper or have read it, I will ask that it be inserted in my remarks as a part of them.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Is there objection to the request of the Senator from Alabama that the article to which he alludes be made a portion of his remarks?

Mr. HALE. It was on that very matter that the Senate closed its doors, and I must object to its being printed as a part of the public records of the Senate.

Mr. MORGAN. Mr. President, I had not presented that paper to the Senate, and the Senator from Maine is mistaken about the doors having been closed on that very matter. There was not a Senator in this body, except perhaps one, the Senator from Wisconsin, who knew that I had the paper.

Mr. HALE. Is not this the paper the Senator had read with closed doors?

Mr. MORGAN. Oh, yes; not in open session.

Mr. HALE. I did not say in open session.

Mr. MORGAN. Does the Senator want me to state what took place with closed doors? He has asked me a question with reference to it.

Mr. HALE. The Senator is an old Senator, and I have no apprehension—

Mr. MORGAN. The Senator asked me a question about what took place in secret session, and of course—

Mr. HALE. I asked the question whether this was the same paper.

Mr. MORGAN. Yes; it is the same paper that I read in secret session.

Mr. HALE. Then I must object.

Mr. MORGAN. Well, Mr. President, I leave it to the Senate to say whether I shall read it or not. I insist on its going into the RECORD.

The PRESIDENT pro tempore. The Senator from Alabama moves that the article from the Springfield Republican be printed in the RECORD as a part of his remarks. The question is on agreeing to the motion.

Mr. HALE. Mr. President, I think the Senate should not in any way countervail what it has done already this morning in taking this matter into a session with closed doors and there considering it as the rules provide. I do not think that when we come out of that session of closed doors the Senate ought to permit a subject-matter that was considered with closed doors and formed a part of the discussion, because the Senator now makes that motion—

Mr. MORGAN. I call the Senator to order. He has no right to speak about what took place with closed doors.

Mr. HALE. I have the right to say that this is the same paper.

Mr. MORGAN. I call the Senator to order. The Senator has no right to speak of what took place. He has already asked me a question about what took place with closed doors and I have answered him.

Mr. HALE. I ask—

Mr. MORGAN. Now he proceeds to comment on what took place with closed doors, and I call him to order.

The PRESIDENT pro tempore. Both Senators will please suspend. The Chair lays before the Senate the unfinished business, which is the statehood bill.

#### STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. QUAY. Mr. President—

Mr. MORGAN. Will the Senator allow me to proceed for five minutes, merely to state my position?

Mr. QUAY. In one moment, if the Senator will pardon me. I desire to make my usual request.

Mr. NELSON. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Minnesota will state the point of order.

Mr. NELSON. The point of order is that the Senator from New Jersey [Mr. KEAN] is entitled to the floor, and if anyone is to yield it as a matter of grace to the Senator from Alabama, that grace should come from the Senator from New Jersey and not from the Senator from Pennsylvania.

Mr. MORGAN. I was not aware of the fact that the Senator from New Jersey is entitled to the floor.

The PRESIDENT pro tempore. The Senator from Pennsylvania has been recognized by the Chair, and he has the floor.

Mr. QUAY. I do not wish to split hairs with the Senator from Minnesota over the question whether the Senator from New Jersey or the Senator from Pennsylvania is entitled to the floor. If it so be that the Senator from New Jersey is entitled to the floor, I will ask him to yield to me for a moment.

The PRESIDENT pro tempore. The Senator from New Jersey has not been recognized by the Chair. The Senator from Pennsylvania has the floor.

Mr. HALE. Was not the Senator from New Jersey on the floor at the time the Senate adjourned? I understood that he was on the floor and held the floor upon this bill, which comes up at 2 o'clock.

The PRESIDENT pro tempore. The Senator from New Jersey has not addressed the Chair.

Mr. HALE. The Senator from New Jersey was in his seat prepared to take the floor upon the bill.

Mr. QUAY. My recollection is that the Senator from New Jersey had been on the floor and was swept off the floor.

Mr. HALE. Only by yielding; and clearly when we resume the consideration of the bill at 2 o'clock the Senator from New Jersey is entitled to the floor.

Mr. GALLINGER. Mr. President, I rise to a question of order.

The PRESIDENT pro tempore. The Senator from New Hampshire will state his question of order.

Mr. GALLINGER. I think it might be well to have the question once for all settled. Can a Senator suspending his remarks at the close of one day claim the floor in his right the next day, unless he is recognized?

The PRESIDENT pro tempore. The Chair is of opinion that he can not.

Mr. GALLINGER. That is my opinion.

Mr. QUAY. Mr. President, I rise to ask the unanimous consent of the Senate that on the 20th day of February, at 2 p. m., a vote may be taken on the pending bill, known as the omnibus statehood bill, and on all the amendments now pending or that may then or hereafter be made or offered.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that at 2 o'clock on the 20th day of February a final vote be taken upon the pending bill, upon amendments then pending, and amendments then offered, without further debate. Is there objection?

Mr. NELSON. Mr. President, the chairman of the Committee on Territories being absent, in his absence I object.

The PRESIDENT pro tempore. Objection is made.

Mr. KEAN. Mr. President—

The PRESIDENT pro tempore. The Senator from New Jersey. Mr. MORGAN. I wish to ask the courtesy of the Senator from New Jersey.

Mr. KEAN. I yield to the Senator from Alabama.

#### MILITARY OCCUPATION OF PANAMA AND COLON, ETC.

Mr. MORGAN. Mr. President, the article to which I referred is not before me, and I ask the Secretary to state the date of it.

The Secretary read as follows:

Springfield Daily Republican, Friday, January 30, 1903.

Mr. MORGAN. I have many letters directed to me from different parts of the United States, from gentlemen who claim to be Republicans, and I have no doubt they are, and they write as though they were men of intelligence, who set forth the same line of reasons that are presented in the article I am forbidden to read, but which I believe the newspapers are not forbidden to print. If I had the liberty of laying those letters before the Senate I might perhaps convince it that the Springfield Republican is acting the part of wisdom and patriotism, and is anxious for the peace and security of this country in time to come, as we all may well be.

I wish to say now, Mr. President, not as characterizing the treaty we are about to enter into, but to characterize the present attitude of the Government of the United States, I believe that if we persist in going on as we are going, a war with Colombia will become inevitable within a few years—perhaps one or two—and not only that, but the inflammation, the war which has already broken out in the Central American States, will lead to complications on the part of the Government of the United States which will cause us to regret that we ever had any connection with the subject of a canal at Panama.



## ALLEGHENY RIVER BRIDGE.

Mr. ELKINS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from West Virginia?

Mr. KEAN. I yield.

Mr. ELKINS. There was a mistake made in the passage of the bill (S. 7226) to authorize the Pittsburg, Carnegie and Western Railroad Company to construct, maintain, and operate a bridge across the Allegheny River. The bill was passed yesterday and I wish to bring it before the Senate in order to correct an error. I move to reconsider the vote by which the bill was passed so that I may offer an amendment.

The PRESIDENT pro tempore. The Senator from West Virginia asks unanimous consent that the votes by which the bill was ordered to a third reading and passed be reconsidered. Is there objection? The Chair hears none, and the bill is in the Senate and open to amendment.

Mr. ELKINS. I offer an amendment to come in on page 3, which I ask may be read.

The SECRETARY. On page 3, section 3, line 6, after the words "post road" strike out the words:

over which no higher charge shall be made for the transportation of mails, troops, and munitions of war or other property of the Government of the United States than for any other passengers or freight passing over same.

And in lieu thereof insert:

upon which no higher charge shall be made for the transportation over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for the transportation over railroads or public highways leading to said bridge.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## THE ALASKAN BOUNDARY.

Mr. ELKINS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Jersey yield further to the Senator from West Virginia?

Mr. KEAN. I yield.

Mr. ELKINS. I ask to have printed as a document and in the RECORD an article which appeared in the Washington Post on the Alaskan boundary, by ex-Secretary of State John W. Foster. It contains a great deal of information bearing upon a pending subject.

The PRESIDENT pro tempore. The Senator from West Virginia asks that the communication appearing in the Post, under the signature of John W. Foster, touching the Alaskan boundary, be printed as a document for the use of the Senate.

Mr. ELKINS. And that it also be printed in the RECORD.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

The article is as follows:

## THE ALASKAN BOUNDARY—VIEWS OF FORMER SECRETARY OF STATE FOSTER ON THE QUESTION INVOLVED.

EDITOR POST: I am a daily and careful reader of the Post, whose editorials especially I find of interest and profit. With the latter I am usually in accord; but I feel constrained to say that I think the editorial in your issue of to-day on "The Alaskan boundary" was written without a full comprehension of the situation, and that after further consideration you may deem it proper to revise your conclusions. With that object in view, allow me to submit a few suggestions.

First. There exists a necessity between neighboring and friendly nations for the accurate fixation of their coterminous frontier lines by means of artificial monuments or the designation of natural boundaries, such as mountain peaks or river channels. These frontier lines can not be arbitrarily laid out and marked by one of the interested nations alone. Although our international boundary with Mexico was sought to be accurately fixed by treaty stipulations fifty years ago and more, the two Governments have been engaged, from time to time, up to a very late date, in the creation of boundary commissions to consider and determine the exact line, and, after such agreement, to establish the monuments or designate the natural boundary.

We have had a similar experience as to the Canadian frontier line. The treaty of peace and independence of 1783 fixed the boundary as accurately as was possible with the geographical knowledge of the day, but for nearly a century following the precise establishment and marking of the line was the occasion of almost constant discussion and sometimes of violent controversy. First arose the question of what was the initial point of division on the Atlantic coast, then as to the ownership of the islands in and near Passamaquoddy Bay, followed by the long and bitter controversy as to the northeast boundary from the Maine coast to the St. Lawrence, and, in succession, the line among the islands of the St. Lawrence and the Great Lakes, the agreement upon the forty-ninth parallel, and, finally, not until 1873 was the line to the Pacific Ocean definitely agreed upon and marked.

Second. When in our relations with Great Britain any question has arisen as to the boundary with Canada it has been the policy of the Government of the United States, after diplomatic discussion had failed to bring about an agreement, to refer the subject to a joint commission of an equal number of representatives of each Government, with authority to agree upon and mark the boundary. But the United States has also seen proper in repeated instances to refer a boundary dispute to arbitration with a neutral umpire. Under the first treaty negotiated with Great Britain after independence—that by John Jay, in 1794—the question as to what was the St. Croix River named in the treaty of peace of 1783 as the eastern boundary of the United States was referred to three arbitrators, one chosen by each Government, and an umpire. (See Art. V of treaty of 1794.) By the treaty of peace with Great Britain of 1814 the distinguished statesmen and patriots, John Quincy Adams, Henry Clay, James A. Bayard, and Albert Gallatin, agreed to the

creation of three separate arbitration commissions, each with a neutral umpire, to adjust various boundary disputes, involving the ownership and sovereignty of the various islands in Passamaquoddy Bay, the northeastern boundary line, the course through the St. Lawrence, the Great Lakes, and the Lake of the Woods. (See treaty of 1814, articles 4, 5, and 6.) By the treaty of Washington of 1871 the joint high commission, embracing some of the leading statesmen of the United States, submitted to the arbitration of the Emperor of Germany the fixation of the water boundary through the Strait of San Juan or Haro to the Pacific Ocean. (See treaty of 1871, art. 34.)

The treaty signed by Secretary Hay and Ambassador Herbert, now pending in the Senate, does not submit any American territory to the adjudication of arbitrators, but creates a commission of three American and three British experts to determine where the line between Alaska and British Columbia should be drawn, as laid down by the treaty of 1825, and, if they can agree, to mark the line.

Third. The boundary line between Alaska and British Columbia has never been definitely fixed, as the line between Mexico and the United States and between Canada and the United States has been fixed, as stated, by joint commissions. When the Territory of Alaska was first acquired by cession from Russia, the chief interest of the Government and people of the United States was in the fur seals and the fisheries on the islands and along the coast. Hence there was no urgent necessity to know accurately the interior boundary line. But as the country came to be settled and permanent industries established on the mainland occasion arose for a well defined and marked boundary, in order to determine police and administrative jurisdiction and to locate customs stations for the collection of duties.

As early as 1872 the British minister in Washington urged upon Secretary Fish the desirability of a joint survey and the definite fixation of the Alaska-Canadian boundary. Mr. Fish concurred in this view, but upon referring the matter to the Army engineers he found that such a survey would cost the United States alone \$1,500,000, and Congress was not at that time disposed to authorize the outlay when the Government was husbanding its resources to build up its credit and reestablish specie payments.

If the proposition of the British minister had been then accepted, there would have been no difficulty in having the frontier traced and marked substantially as it was then and is now claimed by the United States. This is made clear by the correspondence which passed between the two Governments. Similar propositions have been made since that date by the British Government, but for reasons not necessary to detail here they were not favorably acted upon by the United States. It is plain, however, that each postponement has increased the embarrassments attending a friendly settlement.

Fourth. No one has insisted more strongly than I have, both officially and with the public, that the contention of the United States for a continuous belt or strip of territory around all the inlets of the sea is incontestable, but every candid reader of the treaty, in the light of present knowledge of the topography of the country, must admit that there are certain points of uncertainty as to the precise frontier which can be best determined by a joint commission. For instance, at the time the treaty was negotiated all the available maps represented the existence of a well-defined mountain chain apparently about 30 miles from the coast and following with some degree of regularity its sinuosities. The correspondence shows that a belief in such a chain existed in the minds of the negotiators, and they sought to establish the line in accordance with the supposed fact. Later explorations have shown that the early cartographers were in error, as there is no such chain, and that the region in question is, as it has been expressed by one of the explorers, "a wilderness of mountains."

Again, the only knowledge possessed by the negotiators respecting Portland Canal or Channel was through the explorations of Vancouver, but there is an apparent conflict as to Portland Channel between Vancouver's maps and his narrative. An essential point in the interpretation of the treaty is to determine just what is the Portland Channel.

On the early Russian maps and on the later ones issued in the United States, Canada, and England, the territory marked as now belonging to the United States under the treaty is a continuous strip running around all the inlets, with a uniform width of 30 marine miles. Yet, in my humble judgment, this claim can not be successfully maintained under the treaty at all points. An examination of the later surveys shows, for example, that there is a well-defined watershed at White Pass, north of Lynn Canal and only about 13 miles from Skagway, near the head of navigation. When the surveys and maps are critically examined by experts, there may be other points in the line which will, under the terms of the treaty, approach the coast nearer than 10 marine leagues, or 30 miles.

I trust that what I have stated is sufficient to show that there are matters of uncertainty which must be determined before the boundary can be marked upon the surface, and that an agreement can be more easily and satisfactorily reached, without putting our territorial claim in peril, by means of a joint commission of experts than in any other way.

Fifth. In the interest of our own citizens resident in Alaska or possessing property there, as well as of good neighborhood, the present state of uncertainty as to the exact boundary line should no longer continue. This condition restrains enterprise, raises embarrassing jurisdictional questions, is a constant source of irritation, and may at any time create international complications. Recent reports of the United States Geological Survey show that sections of that frontier contain auriferous-bearing formations not as yet exploited.

At any moment the gold fever may break out in some new locality of the unadjusted and unmarked line and a police conflict may be precipitated. It sounds quite heroic and patriotic to assert that the territory in question belongs to our country and that we should not yield an inch of it. But coterminous nations, and conspicuously the United States, have, as I have shown, pursued a different method of adjusting their territorial questions. While I have never favored submitting our claim in Alaska to arbitration, I have felt that we could properly unite with Great Britain in the creation of a joint commission of citizens distinguished for their learning, uprightness, and patriotism, to whom the delimitation of the boundary could be safely intrusted. Such I understand to be the object of President Roosevelt and Secretary Hay, and I am persuaded that Congress and the country, reposing confidence not only in their patriotism, but in their skill and good judgment, will approve their action in negotiating the Alaskan boundary convention, and will thank them for this effort to establish better relations with our Canadian neighbors.

JOHN W. FOSTER.

WASHINGTON, January 31.

## INVESTIGATION BY COMMITTEE ON INDIAN AFFAIRS.

Mr. STEWART. Will the Senator from New Jersey yield to me for a moment?

Mr. KEAN. I yield to the Senator.

Mr. STEWART. I ask unanimous consent to call up the resolution which was pending yesterday. I will offer an amendment to it.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that the resolution be taken from the Calendar and now considered. The resolution will be read.

The Secretary read the resolution reported by Mr. STEWART from the Committee on Indian Affairs on the 31st ultimo and reported yesterday from the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

*Resolved*, That the Committee on Indian Affairs, or any subcommittee thereof appointed by its chairman, is hereby authorized to investigate the claim of the Ogden Land Company to the lands of the Seneca Nation of Indians in the State of New York, and the proposed allotment of said lands in severalty to said Indians. Also to investigate and report upon such other matters affecting the Indians or the Indian Service as the committee shall consider expedient. Said committee shall have power to send for persons and papers, examine witnesses under oath, employ a stenographer and interpreter, and sit during the session or the recess of the Senate at such times and places as the committee may determine; and the actual and necessary expenses of said investigations to be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. JONES of Arkansas. I understood the chairman of the committee to say that he had changed the resolution.

Mr. STEWART. If the Senator will allow the substitute to be read, it will be found satisfactory.

The PRESIDENT pro tempore. Is there objection to its consideration?

Mr. JONES of Arkansas. I object, unless the amendment is satisfactory. I want to see first what the amendment is.

The PRESIDENT pro tempore. The amendment will be read, and the Chair will hold the matter open for objection.

The SECRETARY. It is proposed to strike out all after the word "*Resolved*" and insert:

That the Committee on Indian Affairs, or any subcommittee thereof appointed by its chairman, is hereby authorized to investigate and report upon such matters affecting the Indians or the Indian Service as the committee shall consider expedient. Said committee shall have power to send for persons and papers, examine witnesses under oath, employ a stenographer and interpreter and sit during the session or the recess of the Senate at such times and places as the committee may determine, and the actual and necessary expenses of said investigations to be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was agreed to.

The resolution as amended was agreed to.

#### MILITARY INSTRUCTION BY RETIRED OFFICERS.

Mr. ALGER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Michigan?

Mr. KEAN. I yield to the Senator from Michigan and also to the Senator from West Virginia [Mr. SCOTT], who has a request to make.

Mr. ALGER. I ask unanimous consent for the present consideration of the bill (S. 5918) to amend section 1235 of the Revised Statutes so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, on page 2, section 2, line 21, after the word "position," to insert:

*Provided further*, That they shall receive no compensation from the Government other than their retired pay.

So as to make the section read:

SEC. 2. That no detail shall be made under this act to any school unless it shall pay the cost of commutation of quarters of the retired officers or non-commissioned officers detailed thereto and the extra-duty pay to which the latter may be entitled by law to receive for the performance of special duty: *Provided*, That no detail shall be made under the provisions of this act unless the officers and noncommissioned officers to be detailed are willing to accept such position: *Provided further*, That they shall receive no compensation from the Government other than their retired pay.

The amendment was agreed to.

Mr. SPOONER. I should like to ask whether the number of such details is limited. I suppose that is provided for in the bill, or is it left open to discretion?

The PRESIDENT pro tempore. It is left open to the discretion of the President of the United States.

Mr. SPOONER. Very well.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

#### ALEXANDER G. PENDLETON.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (S. 6680) authorizing the President to rein-

state Alexander G. Pendleton, jr., as a cadet in the United States Military Academy.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### HEARING AND DETERMINATION OF ANTITRUST CASES.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 6773) to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," "An act to regulate commerce," approved February 4, 1887, or any other acts having a like purpose that may be hereafter enacted. The Chair calls the attention of the Senator from Massachusetts to the amendments, which will be stated.

The SECRETARY. On page 2, line 16, after the word "under," the House of Representatives have inserted the words "any of;" and on the same page, line 17, they have stricken out "act" and inserted "acts."

Mr. HOAR. I move that the Senate concur in the amendments made by the House of Representatives.

Mr. SPOONER. What is the effect of the amendments?

Mr. HOAR. This bill provides for the expediting of causes under the act known as the Sherman antitrust law—which ought to be called the anti-Sherman trust law, because it was passed under his vigorous protest—"or any other acts having a like purpose."

The second section of the bill provides:

That in every suit in equity pending or hereafter brought in any circuit court of the United States under said act, etc.

As this bill relates to expediting suits under that act or any similar acts, the House inserted the words "any of," after the word "under," and changed the word "act" to "acts," so as to read, "under any of said acts." The amendments are merely verbal.

Mr. SPOONER. That is satisfactory.

The PRESIDENT pro tempore. The question is on concurring in the amendments of the House of Representatives.

The amendments were concurred in.

#### LIGHT-HOUSES AND FOG SIGNALS IN ALASKAN WATERS.

Mr. PERKINS. By the consent of the Senator from New Jersey, I wish to ask unanimous consent for the present consideration of a bill in relation to lights in Alaskan waters.

The PRESIDENT pro tempore. Does the Senator from New Jersey yield?

Mr. KEAN. I yield to the Senator from California, as I want to improve the Alaskan coast.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (S. 6535) providing for the construction of light-house and fog-signal stations in Alaskan waters.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate \$350,000 to enable the Secretary of the Treasury to establish, under the direction of the Light-House Board, light-house and fog-signal stations in Alaskan waters.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BOGUE CHITTO BRIDGE, LOUISIANA.

Mr. MCENERY. I ask the Senator from New Jersey to yield to me that I may request the consideration of a bill.

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Louisiana?

Mr. KEAN. I yield with pleasure to the Senator.

Mr. MCENERY. I ask unanimous consent for the present consideration of the bill (H. R. 16646) to authorize the construction of a bridge across Bogue Chitto, in the State of Louisiana.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ESTATE OF M. J. GREALISH.

Mr. QUAY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Pennsylvania?

Mr. KEAN. I yield with great pleasure to the Senator from Pennsylvania, Mr. President.

Mr. QUAY. I ask unanimous consent for the present consideration of the bill (H. R. 3502) for the relief of the estate of M. J. Grealish, deceased. It is a bill of 11 lines, which I think the



Senate will find unobjectionable, and it will not take very much time.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to pay to the estate of M. J. Grealish, deceased, late a captain in the United States Army, \$766.64, balance remaining due for service rendered by Captain Grealish as assistant commissary of subsistence from July 15, 1870, to March 20, 1878.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PROPOSED PURE-FOOD LEGISLATION.

Mr. McCUMBER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from North Dakota?

Mr. KEAN. Certainly.

Mr. McCUMBER. At this time I desire to give notice that on Monday next, immediately after the routine morning business, I shall move that the Senate proceed with the consideration of the bill known as the pure-food bill.

#### AMERICAN ACADEMY IN ROME.

Mr. WETMORE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Rhode Island?

Mr. KEAN. I do.

Mr. WETMORE. I ask unanimous consent for the present consideration of the bill (S. 4980) to incorporate the American Academy in Rome.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. This bill was read and considered as in Committee of the Whole on January 8th last, and several amendments were then adopted to it. The remaining amendments will be stated.

The next amendment reported from the Committee on the Library was, in section 1, page 2, line 4, before the name "McMillan," to strike out "James" and insert "William C.;" in line 6, after the name "George Von L. Meyer," to insert the name "S. Weir Mitchell;" in the same line, after the name "Charles Moore," to insert "Edwin D. Morgan;" in line 9, after the name "Frederick W. Rhineland," to insert the name "Elihu Root;" in line 14, after the given name "Egerton," where it occurs before "Winthrop," to insert the initial "L.," and in line 16, after the word "politic," to insert "in the District of Columbia;" so as to read:

That Edwin A. Abbey, Samuel A. B. Abbott, Charles Francis Adams, James W. Alexander, James B. Angell, Arthur T. Barney, Edward J. Berwind, Edwin H. Blashfield, William A. Boring, Daniel H. Burnham, Nicholas Murray Butler, John L. Cadwalader, Frank W. Chandler, William A. Clark, Thomas Jefferson Coolidge, Frank Miles Day, William E. Dodge, William F. Draper, Charles W. Eliot, Theodore N. Ely, Marshall Field, Charles L. Freer, Daniel Chester French, Henry C. Frick, Lyman J. Gage, Richard Watson Gilder, Daniel Coit Gilman, Arthur T. Hadley, Charles C. Harrison, John Hay, Thomas Hastings, William H. Herriman, Abram S. Hewitt, Henry L. Higginson, Charles L. Hutchinson, William M. Kendall, John La Farge, Charles Lanier, Austin W. Lord, Charles F. McKim, William C. McMillan, Frederic MacMonnies, William Rutherford Mead, George Von L. Meyer, S. Weir Mitchell, Charles Moore, Edwin D. Morgan, J. Pierpont Morgan, H. Siddons Mowbray, Frederick Law Olmsted, jr., Francis L. Patton, Robert Swain Peabody, George B. Post, Henry S. Pritchett, Herbert Putnam, Frederick W. Rhineland, Elihu Root, F. Augustus Schermerhorn, J. G. Schurman, Carl Schurz, James Stillman, Waldo Story, Augustus St. Gaudens, James Knox Taylor, Henry Walters, John Q. A. Ward, George Peabody Wetmore, Henry White, Stanford White, William C. Whitney, Egerton L. Winthrop, their associates and successors, are hereby created a body corporate and politic in the District of Columbia by the name of the American Academy in Rome, for the purpose of establishing and maintaining an institution to promote the study and practice of the fine arts and to aid and stimulate the education and training of architects, painters, sculptors, and other artists, by enabling such citizens of the United States as shall be selected by competition from among those who have passed with honor through leading technical schools or have been equally well qualified by private instruction or study to develop their powers and complete their training under the most favorable conditions of direction and surroundings.

The amendment was agreed to.

The next amendment was, on page 3, section 2, line 8, after the word "for," to strike out "its lawful ends" and insert "the necessary use and purposes of said organization;" so as to make the section read:

SEC. 2. That said corporation may adopt a constitution and make all by-laws, rules, and regulations not inconsistent with law that may be necessary or expedient in order to accomplish the purposes of its creation; and it may hold real estate in the United States and in the Kingdom of Italy for the necessary use and purposes of said organization to an amount not to exceed \$500,000; and it may adopt a seal. Said corporation shall have its principal office in Washington, in the District of Columbia, and shall hold its annual meetings in such places as the said incorporators shall determine.

The amendment was agreed to.

The next amendment was, on page 3, to strike out section 4, as follows:

SEC. 4. That said corporation may send each year to the Library of Congress such works of the scholars of the institution as may be agreed upon between the officers of the corporation and the Librarian of Congress as suitable for preservation and exhibition in the Library.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MEMPHIS, HELENA AND LOUISIANA RAILWAY.

Mr. BERRY. Will the Senator from New Jersey kindly yield to me?

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Arkansas?

Mr. KEAN. I am glad to yield to the Senator from Arkansas. Mr. BERRY. I ask unanimous consent for the present consideration of the bill (S. 7159) authorizing the Memphis, Helena and Louisiana Railway Company to construct and maintain a bridge across St. Francis River, in the State of Arkansas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### THOMAS J. MORMAN.

Mr. BACON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Georgia?

Mr. KEAN. Certainly.

Mr. BACON. I ask unanimous consent for the present consideration of the bill (H. R. 11544) to correct the military record of Thomas J. Morman.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, in line 7, after the word "discharge," to insert "as of the date of June 1, 1848;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized to correct the military record of Thomas J. Morman, Capt. E. K. Goulding's company, Calhoun's Mounted Battalion Georgia Volunteers, Mexican war, and grant him an honorable discharge, as of the date of June 1, 1848.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. KEAN addressed the Senate in continuation of the speech begun by him on the 4th instant. After having spoken about three-quarters of an hour,

Mr. McCUMBER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from North Dakota?

Mr. KEAN. Certainly.

Mr. McCUMBER. As the Senator has spoken for a considerable time now, will he yield to me to make a report and to ask unanimous consent for the present consideration of the bill which I propose to report?

Mr. KEAN. I will.

[Mr. KEAN's speech will be published entire after it shall have been concluded.]

#### PUBLIC BUILDING IN FARGO, N. DAK.

Mr. McCUMBER. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 7115) to provide for the erection of an addition to the public building in the city of Fargo, N. Dak., to report it with an amendment, and to submit a report thereon.

The PRESIDENT pro tempore. Is there objection to the reception of the report at this time? The Chair hears none.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent for the present consideration of the bill just reported by him. It will be read to the Senate in full for its information.

Mr. MORGAN. I object to the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from Alabama objects.

Mr. MORGAN. There are but three Senators on the Republican side of the Chamber, and the Republicans are more interested in legislation than all the balance of us. They have control of the Government.

Mr. BEVERIDGE. But there are three more Republicans over on this side.

Mr. MORGAN. There being but three Senators on the Republican side, I must object.

Mr. McCUMBER. There is about the same number, I suggest, on each side.

Mr. SIMMONS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from North Carolina?

Mr. KEAN. I yield.

Mr. SIMMONS. Would the Senator from New Jersey just as soon suspend his remarks until to-morrow?

Mr. KEAN. I will do so, as I believe the Senator from North Carolina has a request he wishes to make.

Mr. MORGAN. I withdraw the objection I made to the bill reported by the Senator from North Dakota.

#### DEATH OF REPRESENTATIVE JAMES M. MOODY.

Mr. SIMMONS. I ask the Chair to lay before the Senate the resolutions from the House of Representatives relative to the death of my colleague in that body.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions of the House, which will be read.

The Secretary read the resolutions, as follows:

*Resolved*, That the House of Representatives has learned with profound sorrow of the death of the Hon. JAMES MONTRAVILLE MOODY, member of this House from the State of North Carolina.

*Resolved*, That a committee of members of the House, with such members of the Senate as may be joined, be appointed to take order concerning the funeral of the deceased.

*Resolved*, That the Clerk communicate these resolutions to the Senate, and transmit a copy of the same to the family of the deceased.

*Resolved*, That as a further mark of respect to the memory of the deceased, the House do now adjourn.

Mr. SIMMONS. Mr. President, later a number of Senators will submit remarks to the Senate on the life and character of the deceased. For the present the resolutions of the House may lie on the table, and I ask unanimous consent for the adoption of the resolutions which I send to the desk.

The PRESIDENT pro tempore. The Senator from North Carolina submits resolutions, which will be read.

The Secretary read the resolutions, as follows:

*Resolved*, That the Senate has heard with deep sensibility the announcement of the death of Hon. JAMES M. MOODY, late a Representative from the State of North Carolina.

*Resolved*, That a committee of five Senators be appointed by the President pro tempore, to join the committee appointed on the part of the House of Representatives, to take order for superintending the funeral of the deceased.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives.

The PRESIDENT pro tempore. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to.

The PRESIDENT pro tempore appointed as the committee under the second resolution Mr. PRITCHARD, Mr. SIMMONS, Mr. CLARK of Wyoming, Mr. DIETRICH, and Mr. HEITFELD.

Mr. SIMMONS. Mr. President, I move, as a further mark of respect to the memory of the deceased, that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 3 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 7, 1903, at 12 o'clock meridian.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, February 6, 1903.

The House met at 10 o'clock a. m.

The Clerk read the following letter:

WASHINGTON, D. C., February 6, 1903.

I hereby designate as Speaker pro tempore for this day Hon. JOHN F. LACEY, of Iowa.

D. B. HENDERSON, Speaker.

The SPEAKER pro tempore. Prayer will be offered by the Chaplain.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Once more, Almighty God, our Heavenly Father, touched by the sudden death of another faithful member of this House, and warned of the uncertain tenure of life, we pray that we may do our work so faithfully that when the summons comes to us we shall be prepared to pass on to that unknown, where we shall take up the work Thou hast for us to do there. Comfort, we beseech Thee, the bereaved ones with the blessed hope of the Gospel that there shall be a time when they shall meet their dear one again. Hear us and bless us all. In the name of Christ our Saviour. Amen.

#### THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER pro tempore. If there be no objection, the Journal as read will stand approved.

Mr. DE ARMOND. Mr. Speaker, I desire to suggest a correc-

tion of the Journal. On page 1747 of the RECORD I notice that the bill which we have been considering (H. R. 17) is not printed. I suggest the correction that will be made when that bill is incorporated.

The SPEAKER pro tempore. To print the same in the RECORD? Mr. DE ARMOND. It should be printed in the RECORD, but in fact only the substitute is printed. Both the bill and the substitute should be printed in the RECORD.

The SPEAKER pro tempore. It is not usual to print the bill in the RECORD unless it has been read in extenso and becomes a part of the RECORD.

Mr. DE ARMOND. It is unusual, I think, Mr. Speaker, not to have printed in the RECORD the bill which the House is considering. I believe the rule is certainly very general, and the practice, I believe, universal, to have printed in the RECORD the bill which the House is considering. In this case it is No. 17.

The SPEAKER pro tempore. The Chair does not so understand it. The number and title of a bill are always printed.

Mr. DE ARMOND. The substitute is printed in the RECORD, and the substitute was not read at all, according to my recollection. The RECORD says:

Mr. LITTLEFIELD (when the title of the bill had been read). I ask unanimous consent that the further reading of the bill be dispensed with.

That is bill 17. Instead of bill 17 appearing in the RECORD we have the substitute for bill 17. What I suggest is a correction of the RECORD. I have no objection to the substitute appearing in the RECORD, but what I suggest is a correction that will show bill 17 in the RECORD.

The SPEAKER pro tempore. That question comes up on every appropriation bill. The first reading of the bill is dispensed with usually. The bill is not read. The title is read. The bill is not printed in the RECORD, but when the sections of the bill are discussed under the five-minute rule, as they are read, they are printed in the RECORD.

Mr. DE ARMOND. I am aware of that.

The SPEAKER pro tempore. And when we reach the five-minute debate on this bill the same thing will be done.

Mr. DE ARMOND. I am aware of that with reference to appropriation bills, but that rule does not obtain with reference to other bills. I do not know of any rule that provides for the putting into the RECORD of a substitute which has not been read at all.

The SPEAKER pro tempore. The mistake consists in printing in the RECORD the substitute, not the omission of the other. The Chair will suggest that there is no rule requiring the text of a bill which has been read in the House to be printed either in the Journal or RECORD. It is not necessary or customary to print it in either of them.

Mr. DE ARMOND. The practice certainly is very general to print the bills in the RECORD. Since there does not seem to be any objection from the floor, it seems to me that this correction should be made, providing the Speaker pro tempore himself will withhold his objection.

The SPEAKER pro tempore. It can be printed by unanimous consent.

Mr. DE ARMOND. I am asking that it be made as a correction of the RECORD, asking that the RECORD be corrected. That is what I am asking. The unanimous-consent proposition comes up later, if it comes up at all.

The SPEAKER pro tempore. The Clerk will read a ruling of Mr. Carlisle, found on page 84 of the Digest.

The Clerk read as follows:

The Speaker said:

The Chair will state that on being applied to yesterday by the Chief Official Reporter for advice as to whether or not the joint resolution which was read by the gentleman from Kentucky should be printed in the RECORD, the Chair advised him that the joint resolution did not properly belong there and ought not, therefore, to go into the RECORD as a part of the proceedings of the House.

The Chair does not know of any rule which would authorize or require the Official Reporter to insert everything that may be read, either on the floor of the House by a member himself or from the desk by the Clerk, in the hearing of the House. Unanimous consent is frequently asked of the House to insert such matters in the RECORD, and the Chair knows of no other way in which they can get there under the rules of the House, except that it has been the practice of the House, the Chair thinks, to insert in full resolutions of inquiry addressed to the heads of the Executive Departments of the Government. The Chair decides that, under the practice of the House, the joint resolution offered by the gentleman from Kentucky on yesterday is not such part of the official record of the proceedings of the House as can be entered in full either upon the RECORD itself or upon the Journal of the House; and the Chair decides that the gentleman has now no right to demand, as a matter of right, the reading of the official notes of the reporters of what transpired on yesterday; from which decision the gentleman from Kentucky appeals.

Mr. DE ARMOND. Mr. Speaker, if the Speaker will indulge me a moment, that decision has no bearing whatever, not the slightest, upon the question which I have now raised in the House and before the Speaker. That was a case where a member from his seat on the floor read something and asked that that something be incorporated in the Journal. The decision was that neither that matter as read by a member or the same matter as read at